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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,857

Applicant(s)

BAUER, THOMAS MICHAEL

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-9, 12, 13 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibilisco et al. (U.S. Patent No. 6,104,786).

Regarding claim 1, Gibilisco discloses a method for handling telephone call in response to a request from a calling party, establishing a connection to a called number (abstract; col.2, lines 21-34; 'telephone call' reads on the claim 'telecommunications calls').

Gibilisco further discloses determining whether the connection is established to a messaging service (fig.7; col.7, lines 43-58; 'messaging service' reads on the claim 'LIICA entity').

Gibilisco further discloses that the connection is established to a messaging service, presenting the calling party an offer to record store a message on a messaging platform (fig.7; col.7, lines 43-58; 'messaging service' reads on the claim 'LIICA entity' and 'record' reads on the claim 'store').

Regarding claim 2, Gibilisco further discloses providing a prompt to the calling party that solicits a response from the calling party regarding whether the calling party wishes to record a message (fig.7; col.7, lines 43-58; 'record' reads on the claim 'store').

Gibilisco further discloses coupling the calling party to the messaging platform when the response is affirmative (fig.7, fig.8; col.7, lines 43-67, col. 8, lines 1-21, 35-49).

Gibilisco further discloses recording a message from the calling party in the messaging platform (fig.7, fig.8; col.7, lines 43-67, col. 8, lines 1-21, 35-49; 'recording' reads on the claim 'storing').

Regarding claim 3, Gibilisco further discloses coupling the calling party to the messaging platform (fig.7, fig.8; col.7, lines 43-67, col. 8, lines 1-21, 35-49).

Gibilisco further discloses providing a prompt to the calling party that solicits a response from the calling party regarding whether the calling party wishes to record a message (fig.7; col.7, lines 43-58; 'record' reads on the claim 'store').

Gibilisco further discloses when the response is affirmative, recording a message from the calling party in the messaging platform (fig.7, fig.8; col.7, lines 43-67, col. 8, lines 1-21, 35-49; 'recording' reads on the claim 'storing').

Regarding claim 4, Gibilisco further discloses messaging service being any entity other than a communicative person (fig.7; col.7, lines 43-58; 'messaging service' reads on the claim 'LIICA entity').

Regarding claim 6, Gibilisco further discloses recording a message on the messaging platform in response to acceptance by the calling party of the offer (fig.7; col.7, lines 43-58; 'recording' reads on the claim 'storing').

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Regarding claim 7, Gibilisco further discloses providing a message to the messaging service (fig.7; col.7, lines 43-58; 'messaging service' reads on the claim 'LIICA entity').

Regarding claim 8, Gibilisco further discloses provided message being recorded stored in the messaging service (fig.7, fig.8; col.7, lines 43-58; 'recorded' reads on the claim 'stored' and 'messaging service' reads on the claim 'LIICA entity').

Regarding claim 9, Gibilisco further discloses message provided to the messaging service identifies the calling party (fig.7, fig.8, fig.18, fig.21; col.7, lines 43-58, col.15, lines 4-11; 'messaging service' reads on the claim 'LIICA entity').

Regarding claim 12, Gibilisco further discloses establishing a connection to a called number, receiving a request for a connection from the calling party (abstract; col.2, lines 21-34).

Regarding claim 13, Gibilisco further discloses establishing a connection to a called number, receiving a request for a connection from the calling party (abstract; col.2, lines 21-34).

Gibilisco further discloses interacting with the calling party to establish that the calling party wishes to receive a prompt that might lead to an offer, made to the calling party, to record a message in the messaging platform (fig.7; col.7, lines 43-58; 'prompt' reads on the claim 'call treatment' and 'record' reads on the claim 'store').

Regarding claim 17, Gibilisco further discloses providing a prompt to the calling party to record a message in the messaging platform (fig.7; col.7, lines 43-58; 'prompt' reads on the claim 'offer' and 'record' reads on the claim 'store').

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Regarding claim 18, Gibilisco further discloses recording a message from the calling party in the messaging platform (fig.7, fig.8; col.7, lines 43-58; 'recording' reads on the claim 'storing').

Regarding claim 19, Gibilisco discloses receiving a callback request from the called party to playback stored messages (fig.19; col.14, lines 14-17; 'callback request' reads on the claim 'request', 'called party' reads on the claim 'inquiring party' and 'playback' reads on the claim 'retrieve').

Gibilisco further inherently discloses ascertaining identity of the called party (fig.1-5; col.3, lines 52-67, col.4, lines 1-4; 'called party' reads on the claim 'inquiring party').

Gibilisco further discloses that messages are inherently present in the message platform for the called party, playing back a stored message from the messaging platform (fig.19; col.14, lines 14-17; 'callback request' reads on the claim 'request', 'called party' reads on the claim 'inquiring party' and 'playing back' reads on the claim 'retrieve').

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibilisco et al. (U.S. Patent No. 6,104,786) and in view of Yue et al. (U.S. Patent No. 5,937,050) and further in view of Eisdorfer et al. (U.S. Patent No. 5,475,733).

Regarding claim 5, Gibilisco discloses the messaging service being taken from a set that includes a True Messaging SM (fig.7; col.1, lines 18-26, col.7, lines 43-58;

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‘messaging service’ reads on the claim ‘LIICA entity’ and ‘True Messaging SM’ reads on the claim ‘telephone answering machine’).

Gibilisco fails to teach that the LIICA entity being taken from a set that includes a fax machine. Yue teaches a communication service being taken from a set that includes a fax service (fig.2, fig.4; col.10, lines 27-40; ‘communication service’ reads on the claim ‘LIICA entity’ and ‘fax service’ reads on the claim ‘fax machine’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to allow LIICA entity be taken from a set that includes a fax machine as taught by Eisdorfer. The motivation for the modification is to have the fax machine to handle the facsimile transmission including the source information.

Gibilisco in view of Yue further fails to teach that the LIICA entity being taken from a set that includes a modem. Eisdorfer teaches network communication platform being taken from a set that includes a modem (fig.1; col.2, lines 57-67; ‘network communication platform’ reads on the claim ‘LIICA entity’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco in view of Yue to allow LIICA entity be taken from a set that includes a modem as taught by Eisdorfer. The motivation for the modification is to have the modem to process the data.

Regarding claim 10, Gibilisco in view of Yue further fails to teach “said message provided to said LIICA entity identifies a nature of a message stored from said calling party in said messaging platform”. Eisdorfer teaches network communication platform recognizes a nature of a message stored from said calling party in said messaging platform (fig.4; col.6, lines 63-67, col.7, lines 1-9, col.9, lines 32-41; ‘network

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communication platform' reads on the claim 'LIICA entity', 'recognizes' reads on the claim 'identifies' and 'type of call' reads on the claim 'nature of a message'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco in view of Yue to allow LIICA entity to identify the nature of the message as taught by Eisdorfer. The motivation for the modification is to have the LIICA entity having the recognizing feature in order to make the appropriate delivery of the messages.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibilisco et al. (U.S. Patent No. 6,104,786) and in view of Yue et al. (U.S. Patent No. 5,937,050) and further in view of Eisdorfer et al. (U.S. Patent No. 5,475,733) and further in view of Freedman et al. (U.S. Patent No. 5,859,902).

Regarding claim 11, Gibilisco in view of Yue further in view of Eisdorfer fails to teach "said nature of from said calling party in said messaging platform is that of a call that requires a party that retrieves a message stored in said messaging platform to agree to pay a fee". Freedman teaches the nature of from the calling party in the switch is that of a call that requires a called party that retrieves a message stored in the switch to agree to pay a fee (abstract; fig.1, fig.2; col.6, lines 56-67, col.7, lines 1-6; 'switch' reads on the claim 'messaging platform' and 'called party' reads on the claim 'party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco in view of Yue further in view of Eisdorfer to allow the called party to retrieve the collect call as taught by Freedman. The motivation for the modification is to have the called party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

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6. Claims 14-16, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibilisco et al. (U.S. Patent No. 6,104,786) and in view of Freedman et al. (U.S. Patent No. 5,859,902).

Regarding claim 14, Gibilisco discloses establishing a connection to a called number, receiving a request for a connection from said calling party (abstract; col.2, lines 21-34; 'connection' reads on the claim 'special-services connection'). However, Gibilisco fails to teach a special-services connection to a called number. Freedman teaches collect call service connection to a called party (fig.1; col.1, lines 43-61, col.8, lines 35-44; 'collect call service connection' reads on the claim 'special-services connection'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to establish a special-services connection to a called number as taught by Freedman. The motivation for the modification is to have the called party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

Regarding claim 15, Gibilisco discloses providing a plurality of options to the calling party to enable the establishment of the connection (abstract; fig.7; col.7, lines 43-58; 'providing a plurality of options' reads on the claim 'interacting'). However, Gibilisco fails to teach enabling the establishment of special-services connection. Freedman teaches collect call service connection to a called party (fig.1; col.1, lines 43-61, col.8, lines 35-44; 'collect call service connection' reads on the claim 'special-services connection'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to establish a special-services connection to a called number as taught by Freedman. The motivation for the

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modification is to have the called party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

Regarding claim 16, Gibilisco fails to teach "enabling the establishment of special-services connection". Freedman teaches collect call service connection to a called party (fig.1; col.1, lines 43-61, col.8, lines 35-44; 'collect call service connection' reads on the claim 'special-services connection'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to establish a special-services connection to a called number as taught by Freedman. The motivation for the modification is to have the called party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

Gibilisco further discloses providing a plurality of options to the calling party (abstract; fig.7; col.7, lines 43-58; 'providing a plurality of options' reads on the claim 'interacting'). However, Gibilisco fails to teach the calling party identifying itself. Freedman teaches identifying the calling party location (abstract; col.1, lines 43-58; 'calling party location' reads on the claim 'calling party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to have an option to identify the calling party as taught by Freedman. The motivation for the modification is to have the feature of identifying the calling party so that the called party can accept the collect call in case of urgent message.

Regarding claim 20, Gibilisco discloses receiving a callback request from the called party to playback stored messages (fig.19; col.14, lines 14-17; 'callback request' reads on the claim 'request', 'called party' reads on the claim 'inquiring party' and 'playback' reads on the claim 'retrieve').

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Gibilisco further inherently discloses ascertaining identity of the called party (fig.1-5; col.3, lines 52-67, col.4, lines 1-4; 'called party' reads on the claim 'inquiring party').

Gibilisco fails to teach "ascertaining willingness of said inquiring party to pay for retrieval of a stored message". Freedman teaches ascertaining willingness of the called party to pay for retrieval of a stored message (abstract; fig.1, fig.2; col.6, lines 56-67, col.7, lines 1-6; 'called party' reads on the claim 'inquiring party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to allow the called party to retrieve the collect call as taught by Freedman. The motivation for the modification is to have the called party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

Gibilisco further discloses playing back a stored message from the messaging platform (fig.19; col.14, lines 14-17; 'callback request' reads on the claim 'request', 'called party' reads on the claim 'inquiring party' and 'playing back' reads on the claim 'retrieve'). However, Gibilisco further fails to teach "ascertaining willingness concludes that said inquiring party agreed to pay for delivery of a message". Freedman teaches the called party inherently agreed to pay for delivery of a message (abstract; fig.1, fig.2; col.6, lines 56-67, col.7, lines 1-6; 'called party' reads on the claim 'inquiring party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to allow the called party to retrieve the collect call as taught by Freedman. The motivation for the modification is to have the called

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party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

Regarding claim 21, Gibilisco discloses receiving a callback request from the called party to playback stored messages (fig.19; col.14, lines 14-17; 'callback request' reads on the claim 'request', 'called party' reads on the claim 'inquiring party' and 'playback' reads on the claim 'retrieve').

Gibilisco further inherently discloses ascertaining identity of the called party (fig.1-5; col.3, lines 52-67, col.4, lines 1-4; 'called party' reads on the claim 'inquiring party').

Gibilisco fails to teach "ascertaining willingness of said inquiring party to pay a per-message payment for retrieval of a stored message". Freedman teaches ascertaining willingness of the called party to pay for retrieval of a stored message (abstract; fig.1, fig.2; col.6, lines 56-67, col.7, lines 1-6, 46-67; 'called party' reads on the claim 'inquiring party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to allow the called party to retrieve the collect call as taught by Freedman. The motivation for the modification is to have the called party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

Gibilisco further discloses playing back a stored message from the messaging platform (fig.19; col.14, lines 14-17; 'callback request' reads on the claim 'request', 'called party' reads on the claim 'inquiring party' and 'playing back' reads on the claim 'retrieve'). However, Gibilisco further fails to teach "ascertaining willingness concludes that said inquiring party agreed to pay said per-message payment for delivery of a

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message". Freedman teaches the called party inherently agreed to pay for delivery of a call payment (abstract; fig.1, fig.2; col.6, lines 56-67, col.7, lines 1-6, 46-67; 'called party' reads on the claim 'inquiring party' and 'call' reads on the claim 'per-message'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibilisco to allow the called party to retrieve the collect call as taught by Freedman. The motivation for the modification is to have the called party to accept the collect call so that the calling party would be able to deliver urgent message without paying for it.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

KA Williams
Kimberly A. Williams
Primary Examiner
~~Technology Center 2700~~

M. E.,
MD SHAFIUL ALAM ELAHEE
December 16, 2002